



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

MULET SALORT et al.

Atty. Ref.: 4982-4; Confirmation No. 2456

U.S. Patent No. 7,674,953

Issued: March 9, 2010

Appl. No. 10/551,699

TC/A.U. 1638

Filed: November 21, 2005

Examiner: Worley

For: PLANT HAEMOGLOBIN

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May 3, 2010

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
PURSUANT TO 37 CFR § 1.705(d)**

The Office is requested to reconsider the Patent Term Adjustment (PTA) of the above-identified patent, pursuant to 37 CFR § 1.705(d).

Specifically, the Determination of Patent Term adjustment under 35 U.S.C. 154(b) dated February 17, 2010 states that the Patent Term Adjustment to date is 0 days.

The patentee respectfully submits that the PTA of the above-identified patent should be at least 28 days. Consideration of the following in this regard is requested.

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May 3, 2010

The fee required by 37 CFR § 1.705(b)(1) (Rule 18(e) (\$200 - fee code 1455)) is attached. The Office is authorized to charge the undersigned's Deposit Account No. 14-1140 for any missing or deficient fee required for consideration of the present Request.

The national stage of the above-identified application commenced under 35 USC § 371(b) or (f) on September 30, 2005. The three year anniversary of the commencement of the national stage was September 30, 2008. The application issued March 9, 2010, or 525 days after the three year anniversary of the commencement of the national stage.

The 525 day delay in issuing the patent three years from the commencement of the national stage is understood to be reduced, according to 37 CFR § 1.702(b)(1), by any time consumed by continued examination of the application under 35 USC § 132(b). A Request for Continued Examination (RCE) was filed October 29, 2008. The time consumed by continued examination of the application under 35 USC § 132(b) therefore is believed to be the 497 days from October 29, 2008 through March 9, 2010.

The total PTA available under 37 CFR § 1.702(b) for the above-identified patent therefore is believed to be at least 28 days (i.e., 525 days minus 497 days).

Rule 705(d) requires compliance with the requirements of paragraph (b)(2) of "this section", which is presumed to be Rule 705. Paragraph (b)(2)(ii) of Rule 705 requires the relevant dates as specified in §§ 1.703 (a) through (e) for which an adjustment is sought. The above description of the relevant dates as specified in § 1.703(b) is believed to comply with the requirement of Rule 705(d) to the extent that it

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refers to Rule 705(b)(2)(ii). The Patent Office is requested to advise the undersigned in the event anything further is required in this regard.

The patent is not subject to a Terminal Disclaimer.

Grant of the present Request and issuance of a Certificate of Correction by the Patent Office are requested. The Office is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

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